

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1860 OF 2021

Surendra Ravindra Kajale	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

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Mr. Rupesh A. Zade for the applicant.
Mr.A.R. Kapadnis, APP for the State.
Mr.P.N. Bhujbal from Karmala police station, Solapur present.

CORAM: BHARATI DANGRE, J.

DATED : 17th AUGUST, 2021

P.C:-

1 The applicant is arraigned as accused in C.R. No.105 of 2021 registered with Karmala police station, which invoke Section 379, 439 and 34 of the IPC and Section 15 of the Environment Protection Act.

2 The complainant is a Police Constable attached to the said police station who allege that on being tipped off, the information that illegal excavation is going on the banks of river Bima, they noticed a fibre boat being operated. The person on the boat was one Gaurav Shete who disclosed to the raiding team that the boat belong to Sachin Kale, resident of Karpadi Taluka.

Tilak

The boat was carrying 8 bras of sand. The sand was replenished in the river belt and the fibre boat was confiscated. The person Gaurav Shete fled away from the spot taking advantage of the darkness. It is alleged that the applicant is the partner of Sachin Kale, who is already released on bail.

3 The learned APP has pointed out that the applicant is accused in C.R.No. 262 of 2014 where he is alleged to be involved in similar activity of sand deal. He is charge-sheeted and the trial is pending.

4 On perusal of the nature of accusations, which the applicant is facing, since it is noticed that sand worth 80,000 was found in the fibre boat, but neither applicant is traced on the spot but his indiction is only on the basis of statement of the co-accused Sachin. In the wake of such sketchy material on record, the applicant is entitled for protection. Hence, the following order :-

O R D E R

- (a) In the event of his arrest, the Applicant – Surendra Ravindra Kajale in connection with C.R.No.105 fo 2021 registered with Karmala Police Station shall be released on bail on furnishing P.R. bond to the extent of Rs.20,000/- with one or two sureties of the like amount.

- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
- (c) The Applicant shall make himself available as and when required by the Investigating Officer.
- (d) The prosecution is at liberty to apply for cancellation of bail if the applicant is found involved in similar activity relating to illegal excavation or transportation of sand at any time in future.

5 The Application is allowed in the aforestated terms.

SMT. BHARATI DANGRE, J